

ENTERED

May 15, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RUTHANN CHAVEZ,

Plaintiff,

v.

HOME DEPOT USA, INC.,

Defendant.

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CIVIL ACTION NO. H-22-1700

ORDER

The court allowed the plaintiff to amend her complaint to supplement its factual allegations. The defendant argues that the plaintiff is, contrary to the court's ruling, attempting to add claims for design defect and "negligent understaffing." The court does not consider the amended complaint to be asserting either cause of action. To avoid doubt, the court repeats that there is no basis for a strict liability design defect claim, and that to the extent Section VII of the amended complaint seeks to bring an independent claim for failure to provide a safe workplace, the claim is dismissed.

The remaining allegations in Section VII relate to the claim for premises liability: the plaintiff was brought to work in the paint department because Home Depot was understaffed on the day in question, and the floor mat in the paint department was a dangerous condition. These allegations appeared in the original complaint. (*See* Docket Entry No. 1-1 at 3).

SIGNED on May 15, 2023, at Houston, Texas.



Lee H. Rosenthal
United States District Judge